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Social Dialogue and Deliberation: a New Dimension in European Industrial Relations

Claude Didry and Annette Jobert¹

In comparing social and civil dialogue, social dialogue is often presented as a form of negotiation, that is to say, as the confrontation between actors with diverging interests and preferences, each of which aims at reaching agreements maximising its own interests at the expense of others. Taking the analysis of Dunlop, this corresponds to the operation of a “system of industrial relations” articulating three social forces taken as given: the workers’ representatives, the employers and the state. The system of market-based competitive confrontation between supply and demand of individuals has been replaced by a kind of duopoly arbitrated by the state in which the debates are primarily on wages and working time and are accompanied by conflicts or potential conflicts (in this case, by strikes of wage earners). In contrast, some of the manifestations of civil dialogue are presented as the defence of “causes” that represent the general interest above those of the particular parties involved. In this perspective, civil dialogue is seen as more innovative and open in its ability to pose new problems and to reach consensual solutions through exchanges of arguments accepted as valid by the participants in public debate. In this sense, we often tend to associate civil dialogue with deliberation.

From the perspective of Habermas, this contrast, between negotiation on pre-identified issues and open discussion to identify common problems, is insurmountable. Indeed, social dialogue is fundamentally characterised by negotiations which correspond to a balance of power relations defined by an economic system based on monetary transaction. In contrast to this focus on the monetary medium, civil dialogue owes its creativity to the fact that it sees problems “relating to real life” as going beyond economic determinism and reflecting a genuine communicative action. In this contraposition, civil dialogue encourages social dialogue to leave the beaten path of negotiations and to consider other issues related to the general problems of society.

Our hypothesis is that social dialogue is not confined to negotiation in a context which, according to Dunlop (1993 [1958]), is considered by its actors as given. For us, social dialogue includes a new orientation in which negotiation involves not only a clash of interests but also

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the defining of its corresponding context and general objectives. Moreover, it is initially based on configuring unitary demands through the assimilation of a multitude of individual viewpoints. As underlined by Lallement (2007, p. 450)², “Trade unions must manage heterogeneous demands ranging from raising wages to improving the quality of life. In addition, the priorities that shape the agenda of demands develop on the basis of more or less democratic deliberative procedures.” Faced with this fundamental heterogeneity of employees’ demands, employers find themselves in a position of favouring economic calculation aimed at increased profitability. However, because of the specificity of their production, employers do not form a homogenous block.

In this sense, social dialogue is linked to a form of deliberation referring to the diverse fields which work involves. As human activity, work is part of a broad questioning of the “quality of life.” As an activity aimed at the production of products, it leads to a broad questioning of the economic processes that in particular constitute globalisation of trade or of innovation. If the immobilisation of “industrial relations systems” led for a time to a well-established practice of negotiations of wages and working time, particularly in the context of what has been called “neo-corporatism,” current developments tend to open wider space for deliberation implying sharing information and critical discussion on their content, that is to say, what Sen calls “informational bases.” The extent of deliberations is related to an increasing ability to understand the interconnections between the specific challenges of work and of other social spheres. This opening of deliberations joined the perspective, advanced by Sen (1999) of a “development of capabilities” involving an analysis of development beyond the growth of GNP and integrating the contributions to a broader freedom for individuals to choose their own life.

European social dialogue is the first typical case of this growing openness to a deliberative dimension. Indeed, it is from the identification of a common perspective—“the achievement of the Single Market”—that an “institutional” deliberation, under the auspices of the Commission presided by Jacques Delors, was undertaken. This deliberation was initiated by the public actor through a “reflexive incentive” engaging the social partners to diagnose problems and to consider their solutions in proposals and common opinions. In other forms, such processes of deliberation are found in both the dynamics of professional sectors at company level as well as that of the territories. Collective actors are more or less permanently crystallised in the very course of the deliberative process and the first cognitive productions to which it leads. A review of this new process highlights the different forms of coordination and cooperation between the actors involved as well as opening up to themes related to the balance between work and the personal lives of employees (work-life balance). Moreover, deliberation does not lead exclusively to the production of new rules (e.g., through collective bargaining agreements in the strict sense of the word), but to a broader set of exchanges and various devices.

After considering the paradigmatic figure represented by the emergence of European social dialogue, we will report on the establishment and operation of these new spaces of deliberation both in the workplace as well as in the territories.

² Referring to the thesis of a “dual logic of collective action” developed by Offe and Wiesensthal (1985).

1. European social dialogue as a model of a “reflexive incentive”

European construction is not limited to the creation of a continental market based on the removal of customs barriers. From the inception of the European Coal and Steel Community (ECSC) in the 1950s, it has involved the integration of trade unions in discussions on the organisation of the future European market and its implications for business and employment. This orientation is reflected in Article 2 of the Treaty of Rome, linking the establishment of a “Common Market” to the intention “to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increased stability, an accelerated raising of the standard of living and closer relations between its Member States.” After the obstacles to European integration of the 1960s, the revival of the process in the 1970s was reopened with a summit meeting on employment bringing together the main unions of the member states and focusing on the issue of restructuring. It continued with the presentation of a “Social Action Program” by the Commission in 1974, including considering the principle of “workers participation in management” leading in 1975 to a directive requiring the consultation of workers representatives in cases of redundancy, and then to a directive requiring the maintenance of employment contracts and the information and consultation of employee representatives in the event of the transfer of undertakings

In the 1970s this dynamic confronted the increasing tension between opposing positions due to rising unemployment. The European Trade Union Confederation (ETUC), founded in 1974, asserted itself through an economic recovery program based on the reduction of working time linking the demand for the 35-hour week to that of five weeks of paid leave in a work-sharing perspective. Conversely, the employers’ association UNICE (now known as BusinessEurope) adhered to the “supply-side policies” initiated soon after Margaret Thatcher came to power in Britain. The scope of deliberation was initially linked to the concept of community regulations but gave way to a clash of competing interests. Thus, deliberation was gradually replaced by a more conventional pattern of negotiations between different positions in which the public body—the Commission—acted as an arbitrator. In this perspective, negotiation concerned general economic mechanisms, those of employment policies to be implemented at the level of national economies, and was caught up in the tension between stimulus and recovery policies and those of supply-side economics.

European social dialogue launched at the Val Duchesse talks under the leadership of the Commission headed by Jacques Delors in 1985, introduced a break with this logic of negotiation. In fact, it was based on the concerns of involving the social partners in a broad goal, that of the “achievement of the Single Market” which Jacques Delors put at the centre of his program for his presidency of the Commission (Didry and Mias, 2005). The result was a process that gradually evolved away from the initial plan of what Walton and MacKersie (1965) presented as a “distributive negotiation”. In this scheme, the actors are endowed with strictly conflicting preferences: in the case of the social partners, stimulus versus supply-side policies. Finding agreement can only be accomplished through the acceptance of mutual concessions leading players to a strategy minimising losses. The program of “achievement of the Single Market” transformed the exchanges between social partners, bringing them closer to a form of “integrative negotiation” (Walton and MacKersie, op. cit.) in which actors follow

a problem solving approach, thus moving towards a form of deliberation. Indeed, this program starts with the identification of a new economic reality, that of the Internal Market that is shaping the development of intra-European trade and its consequent reconstructions. Its “achievement” corresponds to the identification of a common problem, that of the regulations ensuring its functioning and development. In this view, before reflecting on the content of the rules to be adopted³ and their modality (legislation or collective agreement), the social partners’ contributions are first solicited in order to identify the field covered by this regulatory activity.⁴ The establishment of “working groups” by the summit meetings is a defining moment in the process. Indeed, the “common opinions” elaborated by these groups correspond to the setting up of a shared diagnosis before launching a process, sometimes long, of elaborating solutions.

The concept of “integrative negotiation” provides a first insight into the process that starts with the first meetings between the social partners. However, it suggests that the “integrative” dimension tends to erase any confrontation, in favour of support for the goals set by the Commission. It reinforces an analysis in which the social partners abandon their specificity to rally, by consensus, to the Commission’s policies. Such an analysis obscures the tensions that arise, no longer in the form of confrontation but rather as a refusal to take part in the deliberations and of confrontations within the organisations involved. During this process, major internal conflicts have developed between the members of UNICE which on many occasions has found it difficult to participate. The ETUC is also subject to such pressures being impatient concerning the outcome of meetings whose results in terms of regulations seem to be far in the future. These tensions have also led to a transformation of the actors themselves, with a major reorganisation of the social partners taking place in parallel with the meetings of the 1980s. Thus, the ETUC has become structured as a true confederation at the European level, integrating the sectoral trade union committees into federations and clarifying the decision-making methods of its various organs during the Congress of Luxembourg in 1991.

The Social Protocol annexed to the Maastricht Treaty reflects the institutional recognition of this deliberative activity, involving the European Social Partners in legislative activity. European social dialogue (at the intersectoral level) is often understood through the agreements to which it has given rise: parental leave (1995), part-time work (1997), fixed-term contracts (1999), telework (2002), work-related stress (2004), harassment and violence at work (2007), and inclusive labour markets (2010). It is not, however, limited only to negotiated agreements. But whether there is an agreement of the European social partners or a directive adopted in the absence of agreement, the latter participate in a norms-producing process which was generally initiated by the Commission. This initiative takes the form of a “reflexive incentive” addressed to the social partners. The resulting social dialogue helps to clarify the areas of future contractual and legislative interventions. It has led to the writing of numerous common documents, opinions, recommendations and diagnoses affecting social issues and, more broadly, the dimensions of economic policy. Such activity is particularly intense in the framework of sectoral dialogue with a reflection on the future at the European level of the

³ That is, finding solutions to identified problems.

⁴ That is, the identification of the problems to be resolved.

sectors concerned, taking the form, for example, of “common positions” for the Commission (Dufresne, Degryse and Pochet, 2006).

Three moments can be identified in this complex process of deliberation. The first concerns the common views and positions which establish a common diagnosis of an issue. The second is to identify areas of possible legislative action. The third concerns the final trade-offs to be made in conventional and legislative activity. In this process the public actor, the Commission, is called on to play an important role, particularly in initiating the studies, and in providing the “informational bases” that feed into the social partners’ discussions. Indeed, the latter have proven to be decisive, including in the work programs that the social partners today adopt independently. One cause of the current weakening of European social dialogue is the blurring of the Commission’s role, whose initiatives now tend to place themselves in the field of liberalisation starting from a conception of the market as an economic mechanism that allows national economies to achieve a Pareto optimum.

Within the existing EU rules, we must emphasise the importance of those concerning the right of workers to information and consultation which try to involve workers’ representatives in company decisions. Since the first directives on collective redundancies (1975) and the transfer of undertakings (1977), this right has been considerably expanded with the European Works Councils Directive (1994), the directive on the involvement of workers in European companies (2001) and the directive establishing a general framework for information and consultation for companies with more than 50 employees (2002). These rules help to open a particularly important European space for deliberation for companies concerning issues of employment and restructuring. They are, if not an injunction, at least a strong incentive to open a thorough debate on corporate activity and strategy.

2. Social dialogue in the workplace

The institutions of “industrial democracy” which have become part of the “industrial relations systems” centred on negotiations have found new meaning in the debates implied by the deliberations on restructuring, discrimination and strategic workforce planning. This evolution leads to breaking away from the focus on unions as the central actors of “industrial democracy”, identified by Beatrice and Sidney Webb beginning with the case of the British trade unions. It also involves considering the functioning of the fields of information and consultation encouraged by European legislation starting from the experience of countries such as Germany and France, where union activity is linked to that of employee representative bodies. As suggested by Negrelli in his contribution to this volume, the institutions of industrial democracy thus appear, in adopting the perspective of Sen, as “conversion factors” ensuring the desire for social representation and recognition that work implies. Thus, in France, the traditional demarcation between negotiations, as the responsibility of the unions, and of information and consultation, as being in the realm of activities of the elected bodies, tends to be challenged in these debates which involve the management of the company and its future, and which are based on expectations which are difficult to establish. This evolution is reflected in a transformation in the relations between these two forms of representation and

between the collective representation of employees and the employees themselves. It corresponds to the emergence of a “new field of social dialogue” (Didry and Jobert, 2010).

This orientation is primarily linked to the expansion of the themes and issues of institutionalised collective bargaining. The classic themes of wages and working time have themselves become the subject of a renewed approach arising from the deliberative activity that raises the questions of employment, discrimination, etc. The negotiation on the reduction of working time in France in the late 1990's is a good illustration. In addition to the requirements for business operations, it took into account elements relating to particular situations of employees, including their life outside work, their modes of transport, etc. The multidimensional nature of enterprise bargaining has led to the greater complexity of negotiations and a more intense phase of deliberation. This complexity also justifies a greater use of experts.

In the perspectives opened by the directives providing for a dimension of information and consultation, the orientation of negotiations towards deliberation only becomes effective as new issues of social dialogue become involved. Article 5 of the 2002 Information and Consultation Directive opens a space for negotiations on the deliberation process itself, both in content as well as in form.⁵ Thus, it opens consideration of negotiations on matters subject to information and consultation of employee elected bodies, where they exist. It also leads to negotiations on the implementation of the rights to information and consultation in countries such as the United Kingdom, where, outside the unions, there is no permanent structure of information and consultation similar to the German or French works councils. Workers become involved in these new structures, often established at the initiative of employers trying to evade the more stringent provisions of the implementing law of 2006, from the moment when employment is threatened.⁶

In France, legislation on collective redundancies has focused on information and consultation of employee representative bodies. It is oriented towards the search for a dialogue between representatives of employers and of employees in order to examine the economic reasons justifying the proposed job cuts and related matters provided by the employer in the framework of a “social plan.”

In recent years, the legislature has given greater weight to negotiations in collective redundancy situations with the laws of 2003 and 2005 providing for the possibility of entering into “agreements of method.” These include negotiating methods for information and consultation of the works council, alternative proposals to management projects and the

⁵ **Article 5 Information and consultation deriving from an agreement**

Member States may entrust management and labour at the appropriate level, including at undertaking or establishment level, with defining freely and at any time through negotiated agreement the practical arrangements for informing and consulting employees. These agreements, and agreements existing on the date laid down in Article 11, as well as any subsequent renewals of such agreements, may establish, while respecting the principles set out in Article 1 and subject to conditions and limitations laid down by the Member States, provisions which are different from those referred to in Article 4. . (**Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community**).

⁶ Cf. the contribution by Simon Deakin and Aristeia Koukiadaki in this collection.

content of the employment plan (Didry and Jobert, op. cit.). The negotiation and implementation of agreements of method in practice bring union representatives and elected representatives to works councils closer together. This new link between collective bargaining and the information and consultation of works councils is part of a redefinition of systems of representation and social dialogue. This redefinition is based on a blurring of boundaries between union responsibilities and those of elected employee representatives. This is done simultaneously around the definition and implementation of a project which has been crystallised through the agreement. It particularly relies on the proximity between the union actors and elected officials as well as on the construction of new communities involving employees, stabilised in specific instances (working groups and steering committees as well as those of consultation, negotiation and monitoring).

This activity, combining information and consultation with negotiations in the context of restructuring or re-organising working time, highlights a *logic of commitment* that develops between the employee representatives, company management and the employees themselves. This logic of commitment represents a new level of exchange between them, registering continuity in the discussions. The latter initially includes new interest in the economic situation of the company, a new look by all the actors at the company itself as an entity which is part of a group with shifting boundaries. Subsequently, a new look at employment beyond the quantitative aspects has been added to this cognitive dimension including career trajectories of individual employees and their conditions of life in and outside the company. This development of social dialogue in the company echoes the current debate on career security and strategic workforce planning. It also provides material for thinking about “a policy of capabilities” carried out through methods and collective bodies that make possible an evaluation and increase in the real freedom of individuals in their work (Salais and Villeneuve 2004).

The new rules adopted in France in 2008 concerning union representation and the validity of agreements reflect the decision to more firmly anchor union activity in the workplace and reach out to employees. Before this reform, five unions enjoyed a virtual monopoly of representation that had been assigned to them by the state after the war. Their representation was therefore independent of their membership and the number of votes they received in elections. It established a number of rights, including the right to conclude agreements to be applied *erga omnes*. According to the 2008 Act (which incorporates the terms of an agreement between the two social partners and was signed on the union side by the CGT and the CFDT, the two main French organisations), the representation of trade unions is based on seven criteria of which the most important is the “support confirmed by the results of workplace elections.” It is therefore a major change that has disrupted the social rules of the game. It introduced greater union democracy which may reinforce the legitimacy of unions and the agreements they negotiate.

The evolution of workplace dialogue has revealed a new dynamic resulting just as much in the new rules of union representation as in the emerging sense of commitment in which the interests of employees as people are more closely related to these collective bodies and to the future of the company as a whole. But the logic of electoral participation and commitment leads to considering work in a broad way, as a social activity, a “functioning” in the vocabulary of Sen, interrelated to all social activities through which individual “capabilities” are expressed. It involves going out beyond the company and, in particular, the company of more than fifty

employees, to consider the field of “capabilities”. This opening is also based on calling the company itself into question as a player in economic life. The development of flexibility—sometimes leading to situations of exclusion, that of outsourcing,⁷ of SMEs, of the reorganisation of large companies into “business units” leading to a distance between the decision-making centres and the “company,” generates a return to the workplace. The emergence of a “territorial social dialogue” appears as a complex dynamic, involving both the identification of multiple challenges, the search for relevant actors⁸ and the development of solutions that address identified problems. In this process, unions have only gradually been finding their place through contact with other participants.

3. Territorial Social Dialogue

Territorial social dialogue corresponds to a number of experiences observed in various European countries consisting of a dialogue on economic and social dynamics on the level of a territory. In this category we find both “territorial pacts” (Heidenreich, 2004; Negrelli, 2004), as well as sectoral or inter-sectoral committees set up by the social partners (Rey, 2007), and initiatives which are broadly related to the economic and social future of a territory (Jobert, 2008; Jobert, Guarriello, Heidling, 2009). The observed cases show a specificity of this diffuse dialogue in relation to social dialogue at the company or the European level. Certainly, certain forms of this dialogue constitute a continuation of social dialogue and institutionalised public action. But others reflect the existence of more autonomous processes, echoing what some refer to as a “territorial governance” (Le Galès, 1998; Pasquier, Simoulin and Weisbein, 2007). This form of social dialogue leads to questioning its features and how it might influence social dialogue in general.

3.1. From deliberated diagnosis to collective project

Territorial social dialogue covers very diverse fields, regional or local (provincial, county, municipality, local labour market), only some of which represent administrative and political units. Territory is not defined *a priori*. It is determined by the nature and objectives of the project, by the actors who support it and by the collective action they develop to bring it to fruition. Each of them is in a relation of mutual dependence on the other: it is the project and collective action that bind the actor and, somehow, gives him life.

It is also characterised by the variety of topics it addresses: local economic development, competitive clusters, technological innovation, restructuring, relations between businesses and

⁷ As in the case, for example, of the Saint-Nazaire shipyards or that of Airbus in Toulouse.

⁸ Which, at least initially, are not necessarily the unions but could also be local elected officials, associations or more transient groups.

sub-contractors, housing for seasonal workers, regulation of labour markets, integration of vulnerable groups, strategic workforce planning, vocational training or career security. Government regulations and professional traditions (Méhaut and Verdier, 2009) do not take these themes into account—or only do so in an erroneous way. Corporate restructuring, which has accelerated over the last twenty years, has shown the need to involve the “stakeholders” of a territory in a very broad way in assessing the impact of decisions to restructure the company, in finding new job solutions for redundant employees, in creating new activities which could “revitalise” the territories affected by the decisions of the company (Freyssinet, 2006) and, in general, in anticipating economic and social evolution (Didry and Jobert, 2010). The situation of seasonal workers in tourist areas provides another example of the value of a “territorial” approach involving government, employers' organisations and trade unions, and managers of transportation and social housing, because of the difficulties that these workers face not only in respect to work related conditions but also in relation to housing and transportation. Thus, a number of “homes for seasonal workers” were created. Strategic workforce planning as well as career security in cases of employee mobility, which have become major themes of company policies, of collective bargaining and of public debate in France, provide two other examples of approaches that address the community of employees including those of small businesses and subcontractors who often escape the mesh of occupational regulations. Actors' consciousness is demonstrated by the growing commitment of European trade union organisations in favour of local dialogue. In France, the CGT and CFDT take part in many territorial initiatives. As one member of the CGT's Economic, Social and Environmental Committee (2009) pointed out during the 7 July 2009 plenary discussion of the draft opinion on the territorial social dialogue, “the time has come to take seriously all dimensions of social dialogue.”

Much of this experience is part of a dominant logic of action, of projects and programming which aims at solving problems before dealing with the extension of rights. The public-private partnership is another characteristic of these experiences involving multiple actors: workplaces, labour and business organisations, economic groups (such as chambers of commerce), associations, training institutions, professional agencies, cooperatives, banks, universities, local authorities and decentralised state services. The collaborative conception of a local “integrated” strategy of employment and development focuses on the exploitation of assets and resources of the territory. Knowledge of its strengths and weaknesses is, therefore, essential. Creating shared economic and social-territorial diagnoses is thus a very cognitive question. This identification work is an integral part of the process and defines in common both priorities and references for action. Here we find, in the view of Sen, the constitution of “informational bases” in the very course of action for the common good. Deliberated diagnoses are effective if they break down the barriers which separate each partner's practices to achieve a common definition of a strategy which is no longer sectoral (based only on data on employment, for example) but territorial. By integrating both the economic and the social development of a territory, a collective project can be established. It is on such cooperation that renewed local governance can be defined.

This dialogue is also based on organisational devices such as steering committees or working groups, and various forms of contracts and agreements that bind local authorities and public services to businesses, associations, trade unions or other public and private entities. “Development agencies” play an essential role among the support mechanisms as intermediaries between the different categories of actors and as an interface between these

devices and institutions. They are the place of exploitation *par excellence* of territories' "strategic skills." The economic development discussed here does not correspond to the implementation of a previously defined economic model. As Sen suggests, we are in a situation where the identification of a "development model" accompanies the social dialogue or the development itself.

Territorial social dialogue sets a new path for social regulation, more open than that of conventional social dialogue but also more uncertain, unstable and no doubt more fragile. In this sense, employee and employer representatives can play a very important role, even being at the initiative of exchanges and projects. But this is not always the case and, most importantly, actors share with others the responsibility for conducting and monitoring the actions undertaken. This kind of dialogue evokes a form of "civil dialogue" within the meaning of public action, involving citizens in a broad sense and going beyond what is called "organised civil society" (European Economic and Social Committee, 2003).

3.2. Territorial social dialogue: between social and civil dialogue

The development of territorial social dialogue and especially the growing involvement of trade unionists in this type of dialogue have aroused misgivings and criticisms. In particular, there is concern that the promotion of territorial social dialogue will be at the expense of collective bargaining and the negotiation of work rules. The practice of social dialogue, whatever its diversity, is based on a conception of partnership that values participation and consultation much more than negotiation between participants. These negotiations, backed by recognized and established institutional arrangements, offer more guarantees for the parties concerned. Territorial social dialogue, which is often quite informal, frequently leads to arrangements rather than to perennial rules. The aspect of constraint contained in the rules is also largely absent from the process of territorial social dialogue despite widespread use of alternative forms of contracting and agreements. The concept of "soft law" which refers to non-binding processes, often cognitive, resulting from the dissemination of guidelines, of content and of tools for public policies (Hassenteufel 2005, p. 125), could be applied to these local rules. The extension of territorial social dialogue would be part of a general movement tending to weakening labour law with its source in legislation and collective agreements. Support for such dialogue, especially by European authorities, accompanies that for flexible methods of social regulation as an open method of coordination—often considered to be an alternative to European directives which are deemed comparable to laws. With the decentralisation of collective bargaining in local workplaces, it would contribute to a fragmentation of negotiations, a source of increased inequality.

But the clear-cut opposition between territorial social dialogue on one side and collective bargaining and agreements on the other, does not stand up to the examination of the two forms of dialogue. We have seen that the European social dialogue as well as that which develops in the workplace do not necessarily lead to the adoption of binding rules, but also have led to common positions, joint opinions etc. The field of deliberation as well as the importance of cognitive issues that characterise territorial social dialogue are also asserted in all areas where social dialogue takes place. Territorial social dialogue can be likened to an

“integrative negotiation” oriented towards common goals in which the parties' interests are convergent or complementary. As noted, collective bargaining is expanding to new topics and also involves actors in addition to the trade unions and employers such as elected employee representatives, experts, persons who have been appointed and sometimes direct representatives of work collectives which are made up of non-union members. This evolution of classical dialogue establishes a form of convergence with the territorial social dialogue even if the latter, as yet, has seldom resulted in setting new standards.

Territorial social dialogue today is no longer a marginal phenomenon filling the gaps and shortcomings of traditional regulation. It has asserted itself as a mode of regulation in itself, likely to meet new economic challenges and requirements of efficiency and justice in the workplace and in society. In its approach from the field focusing on deliberation from shared diagnoses; the intervention of a plurality of actors, public and private; the use of innovative devices to fit the action; and finding consensus solutions, this dialogue questions the established forms of public action and occupational regulations. It simultaneously contributes to the evolution of public policy and social dialogue by giving substance to the concepts of interested parties and deliberation, and by encouraging social dialogue to broaden its themes. As such, it appears as a link between civil and social dialogue.

Conclusion

Social dialogue includes the intertwined dimensions of negotiation and deliberation. Without excluding attention to content and the execution of employees' work contracts, it includes a reflection on the development and future of economic activities, of workers and territories. It is thus linked to a search for models of development based on a form of democratization of the economy, echoing the thoughts of Sen on relations between democracy and development.

The analysis of the exercise of dialogue both at the European level as well as that of local businesses and territories reveals developments in the relationship between the two constitutive dimensions of social dialogue, that is, between negotiation and deliberation. The scope of deliberation tends to increase in all forms of social dialogue. Moreover, the classical distinction between information and consultation on one side and negotiation of the other has been fading. By opening up a dimension of negotiation, the information and consultation procedures tend to be transformed: the pure confrontation gives way to a collective work directed towards identifying and solving problems of common interest. Conversely, deliberation tends to enrich the negotiation by identifying new questions, new investigations and new themes. This development of social dialogue highlights the importance of the commitment capacity of the actors who take part in the various areas in which it is utilised.

Such a trend reflects the existence of an overlapping relationship between social and civil dialogue. With greater attention to issues of deliberation, to a cognitive approach, to the specific trajectories of individuals while taking into account both their professional position and their living conditions, social dialogue takes forms and aims at objectives which are frequently those of a “civil dialogue.” Indeed, what is presented as “civil dialogue” is the preoccupation of clarifying conflicts of interest in specific fields of economic and social life

which do not directly affect the framework of business and labour. In this dynamic, social dialogue is able to appropriate in a specific way the subjects opened by civil dialogue, such as those related to the issues of sustainable development and environment, access to public services or urban development. This specificity is a consequence of the ability to rethink these issues from a strong grounding in the work and the future of economic activity. It also takes into account the existence of representative actors whose legitimacy rests on professional elections and union membership, as well as institutional procedures that support the permanence of the deliberative activity and scope of its results.

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